L S Q (1937) Department.

MUNICIPAL SERIES.

G.O. No. 563

DATED 9 2 1937

[Despatch Abstract.]

Municipality - Udipi - Minutes on dissent - Publication

District Gazette - considered unnecessary.

MUNICIPAL - DEPARTMENT.

A2

9M/25-1-37

Received ..... 19 *Registered* 19

Subject.

Minutes of Dissent - publication in Gazette - orders requested.

Enclosures.
No. .....
.....
Spare copies .....

R.O.C. No. 415-1A/37.

Station Udipi, *Dated the* 19th January 1937.

From (Name) M. R. Ry. M. Narayana Shenoy, B.A., B.L.

(Designation) Commissioner, Udipi Municipality.

To The Secretary to the Government of Madras,

LOCAL SELF GOVERNMENT Department.

Through The Chairman. Municipal Council, Udipi.

Sir,

Under rule 10 of schedule III of the Madras District Municipalities Act,1920, as amended, a copy of the minutes of the proceedings of the council shall, within three days of the meeting, be forwarded to the Collector for publication in the Gazette of the District in English and Vernacular language. And any minute of dissent that may be received within 48 hours of the meeting shall be immediately submitted to the Collector. The rule lays down that the proceedings shall be published and does not require that the minute of dissent should be published. In this District the minutes of dissent in Mangalore Municipality - till lately the only Municipality in the District - were published in the Gazette

P.T.O.

Gazette along with the proceedings and this precedent is being followed in regard to this municipality also. In Malabar, minutes of dissent in no municipality are published.

It appears to me that publication of the minutes of dissent in the Gazette is ~~neither~~ unnecessary, ~~nor~~ publication of the minutes of dissent would mean the publication of the views, reasonings and sentiments of the dissenting minority, while the same of the majority do not find their way in the Gazette. If dissenting minutes are to be published, it stands to reason that the reasoning and view points of the majority should be published so that the public may have the entire picture before them. But I submit that publication of the minute of dissent is not at all required under the rules. Further G.O.No.1453 L & M., dated 30-4-1931 would have provided for the submission of duplicate copies of such minutes, if publication were contemplated.

I have the honour therefore to request orders if the minutes of dissent should be published in the District Gazette in English and in Vernacular along with the proceedings and as a corollary whether the same should be incorporated in the proceedings book of the Council.

Your obedient servant,

Narayanan 20.1.37

COMMISSIONER.

Forwarded.

P Lakshminarayana Rao 20.1.37.

CHAIRMAN, U.M.C.

Leg. Dept

C. No. 2244 from the Commr. Cochin Municipality. Roc. No. 4N1. 1. A/37. dy. 19.1.37.

Subject

Meetings. Municipalities - Publication of Minutes of dissent.

11/1-2/37.

[illegible] raised the questions as to whether minutes of dissent should also be published in the Gazettes along with the proceedings of the Council and whether if so, such dissents are to be recorded in the minutes Book as part of the proceedings of the Council.

fol. 2/37.

It has been stated that it is the practice in the Mangalore municipality to publish minutes of dissent also in the Gazette.

Rule 10 of Schedule III to the M.D.M. Act 1920 provides for the publication of the proceedings of meetings of the Council in the Gazettes in English and in Vernacular. It does not seem to be the intention of this rule that minutes of dissent should also be published or that such dissents should be deemed to

be part of the proceedings of such meetings of the Council ; ~~such~~ It is therefore for consideration whether the Commr may be informed that - ~~to~~ either the publication of the minutes of dissent nor records of such dissents in the Minutes book as part of the proceedings, is necessary. But before doing so, the legal dept may see the case with reference to the position taken above

6/12 It is not obligatory to publish the minute of dissent in the district gazette and that the minute of dissent need not be incorporated in the proceedings. It is only the statements of protesting minorities at the meeting should be included in the proceedings if demanded and not the minute of dissent which is made after the meeting is over

vide item (6) at A on p 150 of Lawyers Journal of meetings of Local Authorities (Crew) - Part II (C) Rules regarding

6.2.37

The minutes of dissent need not be published in the Gazette nor should they be entered in the Minutes book. The Commr may be informed so

Draft E 2/12

5.2

A draft order is submitted below for approval.

6/2.

6.2.87

C.F. 16.

DRAFT FOR APPROVAL.

16/9/37

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Legal Dept.

Municipality. Ltr for.

Minutes of dissent.— Publication in District Gazette — ~~with proceedings~~ — Considered unnecessary.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 2244 From the Comm. Local fin. Rep. authy, No. 415/1/A/37, dated 19.1.1937.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

Order / ~~Resolution~~ Ms. / ~~Rout~~ No. 563, dated 9-2-1937.

8.2.37

The Commissioner Local fin authy is informed that the minutes of dissent need not be published in the District Gazette now should they be entered in the minutes book as part of the proceedings of Council

Sd/- 8.2.37

Do.

The Comm. Local fin authy the Corp.

Copy to the Comm of S. Kanara.

2 spare copies.

8/2

M 9/2